

Supreme Court of Kentucky

2022-02

AMENDED EMERGENCY ORDER

In Re: Amended Emergency Order, Graves County Circuit and District Courts – Relocation of the Office of Circuit Court Clerk, Computation of Time, and Authorization for Extension of Deadlines

On December 10, 2021, extensive tornado damage occurred statewide, prompting the Governor of the Commonwealth of Kentucky to declare a State of Emergency and the President of the United States to declare a major disaster area for purposes of federal financial aid. The area in and around the city of Mayfield in Graves County, Kentucky sustained significant damage, including extensive irreparable structural damage to the Graves County Courthouse, which is located at 100 East Broadway in Mayfield.

Due to this damage, the Graves County Courthouse is non-operational for holding court, for operating court offices, and for other essential court functions and has been ordered closed by the Graves County Chief Circuit Judge beginning Monday, December 13, 2021. There exists an immediate need to locate an alternative, available, and secure space within Graves County for use on a long-term temporary basis as a court facility to address the needs and rights of litigants to timely access the courts and court offices, including the filing of documents and pleadings as authorized or required by law and the processing of adults and juveniles in custody.

Accordingly, under Sections 110(5) and 116 of the Kentucky Constitution, and in consideration of the conditions now existing in Graves County, Kentucky, it is HEREBY ORDERED as follows:

Section 1. Statement of Purpose

Due to the widespread tornado damage sustained throughout Graves County and the irreparable structural damage sustained by the Graves County Courthouse, the Graves County Circuit and District Courts and their essential court functions have been disrupted and clients and their counsel displaced. Extraordinary circumstances continue to exist requiring immediate adoption of this Amended Emergency Order, which is intended to alleviate uncertainty and hardship by relocating, until further Order of this Court, the office of the Graves County Circuit Court Clerk, and continuing to authorize emergency extensions of procedural deadlines when necessary and appropriate under the circumstances.

Section 2. Statement of Authority

Under Sections 110(5) and 116 of the Kentucky Constitution, the Supreme Court has the authority to promulgate rules and issue orders of practice and procedure for the administration of justice in all civil and criminal actions, and for all proceedings in the courts of this Commonwealth. This Amended Emergency Order does not abridge, enlarge, or modify the substantive rights of any litigant.

Section 3. Relocation of the Office of the Graves County Circuit Court Clerk and Use of Telephonic and Video Technology to Conduct Remote Proceedings

Effective January 11, 2022, the office of the Graves County Circuit Court Clerk will be open for business in its temporary office located at 1102 Paris Road, Suite 21, Mayfield, Kentucky 42066.

Effective immediately and until further Order of this Court, pending their relocation, the Graves County Circuit Court and District Court will use available telephonic and video technology to conduct remote proceedings in matters as determined by the court in its discretion or, with the consent of all parties affected, in-person when parties agree to hear a matter in another county pursuant to CR 77.02(1).

Section 4. Computation of Time

The office of the Graves County Circuit Court Clerk is deemed to have been actually and legally closed from Monday, December 13, 2021, through Monday, January 10, 2022, for purposes of computation of time as set forth in KRS 446.030. Further, any and all days on which the office of the Graves County Circuit Court Clerk has been deemed actually and legally closed pursuant to this Order shall not be included for purposes of computation of time as set forth in CR 6.01 and RCr 1.10.

Section 5. Extension of Time

When by procedural statute or rule, or by notice given under a procedural statute or rule, or by order of court, and notwithstanding CR 6.02, an act is required or allowed to be done at or within a specified time, the deadline for which occurred between Monday, December 13, 2021, and

Tuesday, January 11, 2022, the presiding judge, sua sponte, or upon motion of a party, may extend the deadline by an amount of time which is reasonable, appropriate, and necessary under the circumstances, unless the deadline is imposed by substantive law or required by the Constitution of the United States or the Kentucky Constitution.

The extensions referred to in this Section apply: (1) to cases venued in Graves County, (2) to cases wherever venued in which one or more of the parties resides in Graves County, and (3) to cases wherever venued in which one or more of the parties is represented by an attorney whose principal place of business is located in Graves County.

This Amended Emergency Order is effective immediately.

Entered this 7th day of January 2022.


CHIEF JUSTICE

All sitting; all concur.